

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**FREEDOM FROM RELIGION
FOUNDATION, INC.
Plaintiff,**

-vs-

**GOVERNOR GREG ABBOTT,
And ROD WELSH, Executive Director
of the Texas State Preservation Board,
Defendants.**

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CASE NO. 1-16: CV-00233

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO
SUPPLEMENT PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES**

The Plaintiff, Freedom from Religion Foundation, Inc., previously filed its Motion for Attorneys’ Fees on June 18, 2021. (Dkt. 139.) The court, however, dismissed the motion without prejudice to refile following the Fifth Circuit’s determination on the appeal in this cause. (Dkt. 141.) The court of appeals has now made its determination, including partial vacatur of this court’s injunctive relief, but otherwise expressly not vacating this court’s decision and judgment. The court of appeals further remanded with specific instruction to now consider Plaintiff’s request for attorneys’ fees. (Ct. of Appeals Opinion at p. 19.)

The Plaintiff, accordingly, does now renew its Motion for Attorneys’ Fees but requests an extension to update its Motion, to be filed on or before April 10, 2023. The Plaintiff requests this extension in order to update its Motion and further

to confer with Defendants' counsel as to any objections to the fee request that might be resolved.

If the parties do not reach an agreement on the Plaintiff's fee request, then the Plaintiff proposes to file its updated Motion for Attorneys' Fees on or before April 10, 2023, including certification as to why the matter could not be resolved by agreement. The parties further propose that the Defendants would file their objection to the fee request on or before May 10, 2023. Finally, the parties propose that the Plaintiff would file its reply in support of attorneys' fees on or before May 22, 2023.

The court has scheduled a Status Conference After Remand for March 9, 2023 at 9:30 a.m. In light of the parties' request for the above schedule, the Status Conference on March 9, may be unnecessary at this time, in the court's discretion. Alternatively, the parties respectfully request an alternative date for the Status Conference because of a conflict in schedules as to the March 9, 2023 date and time.

Counsel for the Plaintiff has discussed this request for extension and proposed schedule with the Defendants' counsel, Benjamin Walton, who does not oppose the requests made herein.

Dated this 3rd day of March, 2023.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Counsel for FFRF has conferred with counsel for Defendants who has stated that Defendants do not oppose the relief sought herein.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system on this the 3rd day of March, 2023, which will send notification to the following:

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